

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ANGELIKA DE LARA et al.,
Plaintiffs,

v.

ZOETIS, INC., et al.,
Defendants.

CV 23-3167 DSF (PDx)

Order REMANDING Case

Defendants removed this class action employment case from state court on the basis of traditional diversity jurisdiction. There is no allegation that the Class Action Fairness Act applies. Nevertheless, Defendants have attempted to plead the amount in controversy by aggregating the claims of all potential class members. “The traditional rule is that multiple plaintiffs who assert separate and distinct claims are precluded from aggregating them to satisfy the amount in controversy requirement.” Urbino v. Orkin Servs. of California, Inc., 726 F.3d 1118, 1122 (9th Cir. 2013). This rule applies to class actions not removed under CAFA. Id.; 28 U.S.C. § 1332(d)(6) (allowing aggregation of claims where other CAFA requirements are satisfied).

Defendants make no attempt to show that any individual Plaintiff’s potential recovery could exceed \$75,000. In addition, the information provided in the notice of removal suggests that it is unlikely that such a showing could be met. Defendants estimate that there are 100 members of the potential class. They further estimate that the total recovery, before attorney’s fees, is an oddly precise \$3,303,535.66. This would provide an average recovery, before fees, of

only around \$33,000. The highest estimated recovery for one of the named Plaintiffs, before fees, is around \$42,000 based on the Court's understanding of Defendants' allegations.¹ Defendants do not allege – and have provided no reason for the Court to believe – that attorney's fees, prorated among the class, would cover the significant shortfall between these amounts and the \$75,000 jurisdictional threshold.

Because Defendants have not adequately pleaded that the amount in controversy exceeds the jurisdictional minimum, the case is REMANDED to the Superior Court of California, County of Santa Barbara.

IT IS SO ORDERED.

Date: May 12, 2023

Dale S. Fischer
Dale S. Fischer
United States District Judge

¹ Because Defendants itemized damages per Plaintiff in some places and aggregated damages in other places, it is difficult to calculate a precise amount alleged for the named Plaintiffs. In any event, the largest amount pleaded is well below \$75,000.